

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CR-345-1D(1)

UNITED STATES OF AMERICA :
 :
 v. :
 :
 WILLIAM EDWARD CARTEE :

FILED IN OPEN COURT
ON 12-14-10
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on November 12, 2010, the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms and ammunition used in knowing violations of 18 U.S.C. § 922(o) and 924(a)(2), to wit:

a) a Browning 1919 type machine gun, .308 caliber, serial number D37887-RIA, and any and all accompanying ammunition or magazines.

b) a Sendra Corp., XM15E2 machine gun, 5.56mm caliber, serial number 03851, and any and all accompanying ammunition or magazines.

c) a Port-Said type machine gun, 9mm caliber, no serial number, and any and all accompanying ammunition or magazines.

d) a Sterling-type machine gun, 9mm caliber, serial number KR132955, and any and all accompanying ammunition or magazines.

e) STEN-type machine gun, 9mm caliber, serial number 45607, and any and all accompanying ammunition or magazines.

f) STEN-type machine gun, 9mm caliber, serial number R44078, and any and all accompanying ammunition or magazines.

g) Beretta machine gun, M12-type, 9mm caliber, no serial number, and any and all accompanying ammunition or magazines.

h) Yugoslavian machine gun, Model 56 type, 7.62x25mm caliber, no serial number, and any and all accompanying ammunition or magazines.

i) CZ24-type machine gun, 7.62x25mm caliber, no serial number, and any and all accompanying ammunition or magazines.

j) two auto sears for AR-15 pattern firearms.

k) a silencer, no serial number.

l) a STEN-type machine gun, 9mm caliber, Model Mark III,

serial number B49806, and any and all accompanying ammunition or magazines.

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to 18 U.S.C. § 924(d);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant WILLIAM EDWARD CARTEE, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).

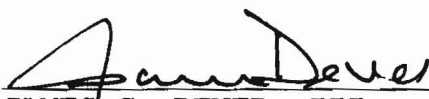
3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal

interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 14 day of December, 2010.


JAMES C. DEVER, III
United States District Judge